

PSYCH-APPEAL, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID AND NATASHA WIT, *et al.*,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH (operating
as OPTUMHEALTH BEHAVIORAL
SOLUTIONS),

Defendant.

Case No. 3:14-CV-02346-JCS
Action Filed: May 21, 2014

**DECLARATION OF MEIRAM BENDAT
IN SUPPORT OF PLAINTIFFS'
RESPONSE TO UBH'S
SUPPLEMENTAL REMEDIES BRIEF**

GARY ALEXANDER, *et al.*,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH (operating
as OPTUMHEALTH BEHAVIORAL
SOLUTIONS),

Defendant.

Case No. 3:14-CV-05337-JCS
Action Filed: December 4, 2014

1 I, MEIRAM BENDAT, declare and state as follows:

2 1. I am an attorney with the law firm of Psych Appeal, Inc., counsel for Plaintiffs and
3 the Classes in the above-captioned action. I make this declaration in support of Plaintiffs'
4 Response to UBH's Supplemental Remedies Brief. I have personal knowledge of the matters stated
5 in this declaration, and I could and would testify competently about them if called upon to do so.

6 2. **Exhibit 1** is a true and correct copy of a November 18, 2019 UBH policy entitled,
7 "Behavioral Clinical Policy: American Society of Addiction Medicine (ASAM) Level of Care 3.1
8 and 3.3 Coverage Criteria," which is available on UBH's "Provider Express" website, at
9 [https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html)
10 [policies.html](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html) (last visited June 13, 2020).

11 3. I also represent the parents and duly appointed agents of "Jane Brown," an 18-year-
12 old woman with an eating disorder and severe, treatment refractory major depression. **Exhibit 2**
13 is a true and correct copy of excerpts from Jane Brown's Designated Record Set, which I obtained
14 from UBH pursuant to Jane Brown's written authorization.

15 4. **Exhibit 3** is a true and correct copy of the current version of the Level of Care
16 Utilization System for Psychiatric and Addiction Services (the "LOCUS"), which is available on
17 UBH's "Provider Express" website, at [https://www.providerexpress.com/content/ope-](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html)
18 [provexpr/us/en/clinical-resources/guidelines-policies.html](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html) (last visited June 13, 2020).

19 5. **Exhibit 4** is a true and correct copy of a February 17, 2020 UBH document entitled,
20 "Coverage Determination Guideline: Substance Related Disorders," which is available on UBH's
21 "Provider Express" website, at [https://www.providerexpress.com/content/ope-](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html)
22 [provexpr/us/en/clinical-resources/guidelines-policies.html](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html) (last visited June 13, 2020).

23 6. **Exhibit 5** is a true and correct copy of a January 27, 2020 UBH document entitled,
24 "Coverage Determination Guideline: Depressive Disorders," which is available on UBH's
25 "Provider Express" website, at [https://www.providerexpress.com/content/ope-](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html)
26 [provexpr/us/en/clinical-resources/guidelines-policies.html](https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/guidelines-policies.html) (last visited June 13, 2020).

27
28 I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of June, 2020, in Santa Barbara, CA.



Meiram Bendat